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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,103

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Jack Lin

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10/20/2004

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EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/614,103

Applicant(s)

LIN, JACK

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11, 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 3, 5-10 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Abstract*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because it uses phrases which can be implied. Correction is required. The Examiner suggests deleting the first sentence of the abstract. See MPEP § 608.01(b).

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **354** (shown in Figure 1).

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3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 3 is objected to because of the following informalities: it recites the limitation "*the base*" in line 2. There is insufficient antecedent basis for this limitation in the claim.

The cited lack of antecedent instances do not amount to indefiniteness under 35 U.S.C. 112, second paragraph, since it is readily apparent that the claims are referring back to the previously recited "*support portion*" (recited in Claim 1, line 2). However, appropriate correction is required to place the claims in proper form for allowance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admission of Prior Art (AAPA) in view of KONDO et al. (U.S. Pat. 5,103,382).

AAPA discloses a lamp device having:

- **a support portion (as recited in Claim 1), Figure 1, reference number 101;**
- **the support portion including at least one clamp element (as recited in Claim 1), Figure 1, reference number 102;**
- **the support portion including a flexible tube (as recited in Claim 1), Figure 1, reference number 103;**
- **an adapter (as recited in Claim 1), Figure 1, reference number 104;**
- **the adapter being mounted at the top end of the flexible tube (as recited in Claim 1), as seen in Figure 1;**
- **a socket portion (as recited in Claim 1), Figure 1, reference number 104;**

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- **the socket portion including two conductors (as recited in Claim 1), inherent;**
- **a light element (as recited in Claim 1), Figure 1, reference number 105;**
- **the light element being located on the conductors (as recited in Claim 1), inherent;**
- **the light element having two pins legs (as recited in Claim 1), inherent;**
- **the pin legs being electrically connected to the conductors, respectively (as recited in Claim 1), inherent;**
- **the clamp element being mounted on one side of the support portion (as recited in Claim 3), as seen in Figure 1;**
- **the flexible tube being a bellows tube (as recited in Claim 4), page 1, lines 18 and 19; and**
- **the socket portion including two wires connected to the conductors, respectively (as recited in Claim 11), inherent.**

AAPA discloses all the limitations of the claims, except:

- the socket portion being pivotally connected to the adapter (as recited in Claim 1);
- a plurality of light elements (as recited in Claim 1);
- the support portion including at least one battery (as recited in Claim 2);

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- the support portion also including two wires connected to the battery and the conductors (as recited in Claim 2);
- the two wires extending through the tube to form a connector thereof (as recited in Claim 11); and
- the light elements being light emitting diodes (as recited in Claim 14).

KONDO et al. discloses an illumination device having:

- **a support portion (as recited in Claim 1), Figure 1, reference number 2;**
- **an adapter (as recited in Claim 1), Figure 2, reference number 3a;**
- **the adapter being mounted at the ends of the support portion (as recited in Claim 1), column 2, lines 28-30;**
- **a socket portion (as recited in Claim 1), Figure 1, reference numbers 3b and 4;**
- **the socket portions being pivotally connected to the adapter (as recited in claim 1); column 2, lines 28-35;**
- **the socket portion including two conductors located thereon (as recited in Claim1), inherent; and**
- **the light elements being light emitting diodes (as recited in Claim 14), Figure 1, reference number 4a.**

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It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to substitute the light source of AAPA for the light source of KONDO et al. to increase the illumination output of the AAPA device.

Regarding the batteries being located in the support portion and two wire extending from such batteries to the light element, one of ordinary skill in the art would have recognize that such features, while not positively disclose in AAPA, are included in the Prior Art structure. Such batteries would be obviously located at the support portion to reduce the weight of the adapter and minimize the load on the flexible tube; electrical conductors would then extend through the flexible tube to conduct power from the batteries to the light source 105.

In addition, the examiner takes Official Notice that the use of LEDs is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an LED for the light source in the system of AAPA. One would have been motivated since LEDs are recognized in the illumination art to have many desirable advantages, including reduced size, high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admission of Prior Art (AAPA) in view of KONDO et al. (U.S. Pat. 5,103,382), as applied to Claim 11 above, further in view of KRIETZMAN (U.S. Pat. 6,575,593).

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The teachings of AAPA and KONDO et al. disclose individually, or suggest in combination, all the limitations of the claims, except a universal serial bus interface (USB) connector.

KRIETZMAN discloses an illumination device having:

- **a support portion (as recited in Claim 1), Figure 3A, reference number 21;**
- **the support portion including a flexible tube (as recited in Claim 1), Figure 3A, reference number 12b;**
- **an adapter portion (as recited in Claim 1), Figure 3A, reference number 21;**
- **the adapter portion being mounted at the top end of the flexible tube (as recited in Claim 1), Figure 3A, reference number 12a;**
- **a socket portion (as recited in Claim 1), as evidenced by column 2, lines 7 and 8;**
- **the socket portion being connected to the adapter (as recited in Claim 1), as evidenced by column 2, lines 7 and 8;**
- **a light source (as recited in Claim 1), Figure 3A, reference number 11;**
- **the light source including two pin legs (as recited in Claim 1), as seen in Figure 4;**

- **the light source being located in the socket portion (as recited in Claim 1), column 2, lines 6-8;**
- **the light source being a light emitting diode (as recited in Claim 1), column 2, line 7;**
- **two conductors (as recited in Claim 1), as seen in Figure 4;**
- **the conductors electrically connecting the pin legs to the support portion (as recited in Claim 1), as seen in Figure 4;**
- **a connector (as recited in Claim 11), Figure 3A, reference number 13;**
- **the connector being located in the support portion (as recited in Claim 11), as seen in Figure 3A; and**
- **the connector being a USB connector (as recited in Claim 12), column 2, lines 9-11.**

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to substitute the USB connector of KRIETZMAN in the illumination device of AAPA and KONDO et al. to provide such device with connectivity to a portable computer power source, as per the teachings of KRIETZMAN (see column 1, lines 26-28).

***Relevant Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Kostal** (U.S. Pat. 2,161,872), **Dunkelberger** (U.S. Pat. 2,648,762), **Becker** (U.S. Pat. 3,103,723), **Matthews et al.** 3,992,618), **Chen** (U.S. Pat. 5,702,175), **Yu** (U.S. Pat. 5,765,793) and **Brown** (U.S. Pat. 6,666,563) disclose illumination devices having a support portion, a flexible tube coupled at a lower end to the support portion, and a socket portion located at the top end of the flexible tube. Batteries located in the support portion power a light element disposed in the socket portion. A clamp element is disposed in the support portion for securing the device to an object.

**Tseng** (U.S. Pat. 5,615,945), **Naghi et al.** (U.S. Pats. 6,260,984 and 6,527,409), **Naghi** (U.S. Pat. 6,386,724), **Kim** (U.S. Pat. 6,680,844) and **Krietzman et al.** (U.S. Pat. 6,802,629) disclose illumination devices having a support portion, a flexible tube coupled at a lower end to the support portion, and a socket portion located at the top end of the flexible tube. A connector element is disposed in the support portion for securing the device to an object, and to provide electrical connection to such object's power source. The connector element being one of a USB, Firewire, DIN or any other of the well known standard electronic peripheral connectors.

**Anzai et al.** (U.S. Pat.,309,331), **Gross et al.** (U.S. Pat.5,343,375), **Shemitz et al.** (U.S. Pat. 5,550,725), **Madadt al.** (U.S. Pat. 5,688,042), **Okuda** (U.S. Pat.5,700,080), **Wilson et al.** (U.S. Pat. 6,056,420), **Bischoff et al.** (U.S. Pat. 6,158,882), **Hunter** (U.S. Pat. 6,283,612), **Stopa et al.** (U.S. Pat. 6, 641,284), **Lefebvre**

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(U.S. Pat. 6,641,294), **Friend** (U.S. Pat. 6,659,623) and **Gloisten** (U.S. Pat. 6,726,348) disclose elongated illumination devices having a plurality of light emitting diodes.

***Allowable Subject Matter***

8. Claims 5-10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches an illumination device having a support portion, a clamp element located in the support portion, and a socket portion pivotally coupled to a flexible tube, such tube extending from the support portion. The socket portion includes a strip light cover having a plurality of screw posts with bevel threads formed on an inside surface of such posts. A matching semi-cylinder seat is combined with the cover by a plurality of screws. Two conductors having a folded and elastic holding part are located in the socket portion, with the light elements leads being received by a plurality of plug holes formed above the holding part of the two conductors, and held by such holding parts.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the claimed socket portion or conductor structures in combination with the claimed support portion.

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**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

  
lnr

  
**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**

October 14, 2004